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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/595,243	03/29/2006	George Brock-Fisher	US030422US	5442
38107 7590 03/08/2010 PHILIPS INTELLECTUAL PROPERTY & STANDARDS P. O. Box 3001 BRIARCLIFF MANOR, NY 10510				
EXAMINER				
PHAN, JOSEPH T				
ART UNIT		PAPER NUMBER		
2614				
MAIL DATE		DELIVERY MODE		
03/08/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/595,243

Applicant(s)

BROCK-FISHER, GEORGE

Examiner

JOSEPH T. PHAN

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1-22 rejected under 35 U.S.C. 102(e) as being anticipated by Fu et al., Pub. No. US 2002/0169584 A1.**

Regarding claim 1, Fu teaches a portable medical monitoring apparatus comprising: a portable monitoring device(20 Fig.1) for medically monitoring to detect an occurrence of a predefined abnormal condition(paragraph 0026-0027); and a wireless transmitter attached to the device(20-25 Fig.1) and configured for automatically, wirelessly and directly communicating the occurrence to a portable phone (30 Fig.1 and para 0027) upon detection by the device of said occurrence, the phone being configured to make an emergency call upon receiving the communication(para 0028-0029).

Regarding claim 2, Fu teaches the apparatus of claim 1, wherein the monitoring is of a subject(10 Fig.1) the device being attached to the subject during the monitoring(10-20 Fig.1 and para 0026-0028).

Regarding claim 3, Fu teaches the apparatus of claim 1, wherein the phone comprises a Bluetooth device(para 0027), said apparatus further comprising a Bluetooth device configured for said communicating with the Bluetooth device of the phone(para 0027).

Regarding claim 4, Fu teaches the apparatus of claim 1, further comprising the phone, said phone having an automatic dialer(para 0026), the phone being configured to, upon said receiving the communication -activate the automatic dialer to call a particular phone number(para 0028-0029).

Regarding claim 5, Fu teaches the apparatus of claim 4, wherein the phone is further configured to play a pre-recorded message on the call when the call is answered(para 0029 and para 0034).

Regarding claim 6, Fu teaches a portable medical monitoring system comprising: a portable monitoring apparatus for medically monitoring to detect an occurrence of a predefined abnormal condition(Fig.1 and paragraph 0026-0027); and a portable phone(30 Fig.1) having an automatic dialer(para 0026) and configured to, upon detecting of said occurrence by said apparatus, activate the automatic dialer(para 0026) to call a particular phone number, the phone being further configured to play a prerecorded message on the call when the call is answered(para 0028-0029).

Regarding claim 7, Fu teaches the system of claim 6, wherein the apparatus is configured to communicate said detecting of said occurrence automatically, wirelessly and directly to the phone(25 Fig.1 and para 0027).

Regarding claim 8, Fu teaches the system of claim 6, wherein the monitoring is of a subject, the device being attached to the subject during the monitoring(10-20 Fig.1 and para

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0026-0028).

Regarding claim 9, Fu teaches the system of claim 6, wherein the phone comprises a Bluetooth device(para 0027), said apparatus further comprising a Bluetooth device configured for communicating to the Bluetooth device of the phone said detecting of said occurrence(25 Fig.1 para 0027).

Regarding claim 10, Fu teaches the system of claim 6, wherein the phone further comprises a global positioning system (GPS) unit(para 0028) for determining a street map location of the phone, the phone being further configured to augment the prerecorded message with said location(para 0029).

Regarding claim 11, Fu teaches the system of claim 6, wherein the pre-recorded message is a voice message and the playing of the message occurs on a voice channel(para 0029 and 0034-voice synthesis).

Regarding claim 12, Fu teaches the portable medical monitoring method comprising the steps of:
medically monitoring, with a portable monitoring device, to detect an occurrence of a predefined abnormal condition(Fig.1 and paragraph 0026-0027);
automatically, wirelessly and directly communicating, by a wireless transmitter attached to the device, the occurrence to a portable phone upon detection by the device of said occurrence(25 Fig.1 and para 0026-0027); and
making, by said phone, an emergency call upon receiving the communication(para 0026 and 0028).

Regarding claim 13, Fu teaches the method of claim 12, wherein the call making step

further comprises the step of activating an automatic dialer in the phone to call a particular phone number (para 0026-0028).

Regarding claim 14, Fu teaches the method of claim 12, wherein call making step comprises the step of playing, by said phone, a pre-recorded message on the call when the call is answered(para 0029 and 0034).

Regarding claim 15, Fu teaches a portable medical monitoring method comprising: medically monitoring, by a portable medical monitoring apparatus, to detect an occurrence of a predefined abnormal condition(Fig.1 and paragraph 0026-0027); upon detecting of said occurrence by said apparatus, activating an automatic dialer in the phone to call a particular phone number(para 0026-0028); and playing, by said phone, a pre-recorded message on the call when the call is answered(para 0029 and 0034).

Regarding claim 16, Fu teaches the method of claim 15, further comprising the step of automatically, wirelessly and directly communicating, by said apparatus, to the phone said detecting of said occurrence(25 Fig.1 and para 0027).

Regarding claim 17, Fu teaches the method of claim 15, wherein the monitoring is of a subject, the device being attached to the subject during the monitoring(10-20 Fig.1 and para 0026-0028).

Regarding claim 18, Fu teaches a portable medical monitoring apparatus comprising: a portable monitoring device for monitoring one or more medical conditions for the occurrence of one or more predefined abnormal conditions(20 Fig.1 and para 0027); a portable communication device for receiving a signal from the portable monitoring device that

one of the predefined abnormal conditions has occurred(30 Fig.1 and para 0027-0028); wherein the portable communication device relays the occurrence of the predefined abnormal condition to one or more selected emergency contacts by providing a notification of the occurrence of the abnormal condition that has occurred and a location of the of the portable monitoring device(para 0029).

Regarding claim 19, Fu teaches the portable medical monitoring apparatus of claim 18, wherein the location is defined by a global positioning system(para 0028-0029).

Regarding claim 20, Fu teaches the portable medical monitoring apparatus of claim 18, wherein selected locations can be predefined with location labels(para 0028-0029-attached GPS locator module has predefined location labels so emergency personnel can locate patient).

Regarding claim 21, Fu teaches the portable medical monitoring apparatus of claim 18, wherein the emergency contact that is closest to the location is notified first(para 0028-0029-appropriate 911 personnel is closest emergency contact).

Regarding claim 22, Fu teaches the portable medical monitoring apparatus of claim 18, wherein the notification comprises a telephone to the one or more emergency contacts including a selected, pre-recorded message(para 0029 and 0034).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSEPH T. PHAN whose telephone number is (571)272-7544. The examiner can normally be reached on Mon-Fri 9am-6:30pm EST, off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Joseph T Phan/

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Examiner, Art Unit 2614

/CURTIS KUNTZ/

Supervisory Patent Examiner, Art Unit 2614